

## CASEWORKERS: HOW TO IDENTIFY WHISTLEBLOWER MATTERS

### OVERVIEW

Caseworkers in congressional offices may hear from whistleblower constituents who are seeking to inform the office about alleged wrongdoing, or who otherwise want the office's support in fending off whistleblower retaliation. This document provides introductory guidance on identifying these matters, and on how they may differ from traditional casework.

### WHISTLEBLOWING AND CONGRESSIONAL OFFICES

Conceptually, whistleblowing is the act of disclosing evidence of misconduct that is a matter of public concern. Whistleblowers may be government or private sector workers, or simply concerned individuals who want to inform Congress about the misconduct.

### WHAT DOES WHISTLEBLOWING LOOK LIKE?

Constituents frequently reach out to inform their Member of Congress about wrongdoing that they have become aware of in their workplace or community. But remember that whistleblowing comes in many forms, and no two cases will look the same.

#### **Hypothetical Constituent Whistleblowing:**

- ❖ A servicemember or civilian worker reports a wasteful spending issue involving a military base in the district.
- ❖ A worker in a local factory reports threats to public health and safety.
- ❖ A local teacher discloses that federal grant money is being improperly spent on faulty resources.

### SUPPORT WITH DISCLOSURES, RETALIATION, OR BOTH

You may also hear from whistleblowers who are seeking your office's support in fending off **retaliation**. Many federal and state laws prohibit retaliation against individuals who make whistleblowing disclosures. However, even where whistleblower disclosures are legally protected, retaliation is not uncommon.

**For example**, maybe the factory worker in the example above was fired after they reported the threats. That individual, believing their termination to be retaliatory, may be inclined to ask their Member of Congress for help.

### WHAT'S IN A NAME?

Many individuals may not call themselves "whistleblowers;" they may feel they are simply doing their jobs by speaking out. An individual does not need to identify as a whistleblower to be eligible for legal protections. Likewise, just because someone calls themselves a whistleblower does not mean their disclosures qualify as legally protected whistleblowing.

**Remember: it is not a congressional staffer's role to give legal advice to whistleblowers.** Rather, staff can focus on safely and responsibly working with the whistleblower's information to achieve agreed upon goals. It *is* appropriate to recommend that whistleblowers consult with an experienced whistleblower attorney or [whistleblower support organization](#) for legal guidance on how to engage in protected whistleblowing.

It is also appropriate to [share guiding resources](#) to ensure the constituent is better off for having reached out.

## WHISTLEBLOWING MATTERS VS TRADITIONAL CASEWORK

Whistleblowing may overlap with other casework matters, but there are some important distinctions to keep in mind:

**First**, whistleblowers are often key partners in helping Congress advance its oversight priorities. Accordingly, these relationships can last much longer than traditional casework as Congress carefully investigates the matter at hand.

**Second**, working with whistleblowers often requires staff to take additional precautions due to the sensitivity of the matter and the level of confidentiality requested. Given the added risk of retaliation, it is important to move carefully. For example, strategize with the whistleblower before reaching out to external offices like any relevant federal agencies. You may need to mask the whistleblower's identity or navigate other sensitivities not typically present in traditional casework.

**Third**, there are specific laws that establish the right for whistleblowers to communicate with Congress, and Clause 21 of the House Code of Official Conduct includes requirements for [maintaining whistleblower confidentiality](#).

## THE OFFICE OF THE WHISTLEBLOWER OMBUDS: SUPPORTING YOUR WORK WITH WHISTLEBLOWERS

Working with whistleblowers can be complex. But rest assured, the Office of the Whistleblower Ombuds has developed a [catalog of resources](#) that can help congressional staff work safely and effectively with whistleblower constituents or sources.

Further, the Office is available to provide House staff with confidential consultations on any whistleblower matters that the staffer may be handling. Please feel free to [contact the Office](#) with any questions or to talk through a whistleblower case.

## ADDITIONAL RESOURCES

- ❖ [Whistleblower Case Management Intake Workflow](#)
- ❖ [Whistleblower Intake Checklist](#)
- ❖ [Guidance on Working with State Whistleblowers](#)
- ❖ [Working with Whistleblowers Learning Path](#) (Congressional Staff Academy)
- ❖ [Training Manual: Best Practices for Working with Whistleblowers](#) (HouseNet)